

Summary of
"The Electronic Privacy Bill of Rights Act of 1999"
sponsored by
U.S. Representative Edward J. Markey (D-MA)

The purpose of this bill is to safeguard the privacy rights of Americans in the online environment.

In the last session of Congress, the Child Online Privacy Protection Act was enacted and rules were put on the books that provided online privacy protection for kids 12 and under. The goal for future legislative activity is to ensure that Americans do not lose privacy protection upon turning 13 years of age.

This legislation establishes basic privacy protections through a policy blueprint that incorporates three basic elements:

- 1) Industry self-regulatory initiatives;
- 2) Technological tools designed to empower consumers; and,
- 3) Government-backed privacy protections and enforcement.

This bill embodies the fair information practice criteria generally accepted as essential to any overall privacy policy to be deemed successful: conspicuous notice, effective choice or consent, access to personal information collected, and security of personal data. These privacy criteria are those that have been outlined as essential by numerous privacy advocates, consumer groups, and by the Federal Trade Commission.

The legislation establishes basic standards of procedure for companies in dealing with personal data collection and use. The bill allows for industry participation through a safe harbor provision. This safe harbor provision will provide that compliance with agency-certified industry guidelines allows for industry self-regulatory efforts to continue. Moreover, this bill permits technology, such as that in development at the Platform for Privacy Preferences Project (P3P), or other similar technology, to satisfy some of the safe harbor requirements if the FTC determines that consumers can effectively and efficiently utilize such technology.

Finally, the bill permits enforcement by States' Attorneys General and also avails citizens of a private right of action to seek redress for privacy violations.